

**TOWN OF ROCKY HILL
OPEN SPACE AND CONSERVATION COMMISSION
MEETING OF JUNE 10, 2015**

1. CALL TO ORDER

Chairman Charamut called the Wednesday, June 10, 2015, meeting to order at 6:03 p.m. in the Town Council Room of the Rocky Hill Community Center, 761 Old Main Street, Rocky Hill, Connecticut.

Present: Ed Charamut, Chairman
 Craig Riedinger, Vice Chairman
 Sandra Kelly, Secretary
 Larry Lindenberger, Commissioner
 David Schweitzer, Commissioner
 Scott Stevens, Commissioner
 Todd Brown, Commissioner

Alternates: Christopher Duff
 Rachelle Leone
 Michelle Zak

Also: Bob Alvarado, Engineering Dept.
 Eileen Knapp, Recording Secretary

2. PLEDGE OF ALLEGIANCE

Everyone stood and recited the Pledge of Allegiance.

3. SHOW CAUSE HEARING

A. Jeffrey M. Meisterling & Jennifer Hernandez-Wetlands Violation at 270 Orchard Street; Assessor's ID No. 09-376;

On May 20, 2015 Staff visited the site as result of a complaint by a neighbor about zoning violations. At that time Staff noticed there were also wetlands violations due to clearing done on the property close to Valley Brook and nearby wetlands, which runs along the east side of the property. A letter and cease and desist order were sent to the homeowner asking him to appear tonight.

Mr. Jeffrey Meisterling of 270 Orchard Street addressed the Commission. He said when he purchased the property in 2007 there was a lot of debris in the brush behind his house that he cleaned out. When he started clearing the garbage he noticed the wooded area was covered with

invasive species, poison ivy and vines. As his children got older and wanted to go into the woods he decided to clear out all the invasives and removed the dead cherry trees. He stopped clearing about 18 months ago. He was not aware that this was an upland review area. He wants to replant some apple and cherry trees in the area that was cleared. The clearing was not done all the way to the stream; there is still about 30-40 of buffer left. Mr. Meisterling submitted pictures of the area.

Commissioner Comments/Questions

Commissioner Brown asked if any live trees were cut down. Mr. Meisterling said everything he removed was dead because the trees had been choked out by vines.

Commissioner Zak asked how long the clearing took. Mr. Meisterling said he spent about 4 days clearing the upland review area.

Commissioner Stevens asked how close to the stream the clearing was. Mr. Alvarado said there is still about 35-40 of buffer left. Commissioner Stevens asked if the trees stumps were removed. Mr. Meisterling said he cut the trees to ground level and pulled the invasives out by hand. The dead cherry trees fell right over and the stumps came out. He did use a bobcat to remove the trees.

Vice Chairman Riedinger asked about a water body that was shown on the map. Mr. Alvarado said it appears to be a man-made pond created by a previous owner years ago. Vice Chairman Riedinger said it appears to him that a lot of live canopy was removed. He asked if any fill was brought in to the site. Mr. Meisterling said he did spread some piles of dirt around that were already on the property.

Commissioner Duff asked if there would be a need to monitor the stream's water quality because of all the debris that was there. Mr. Alvarado said there is still a buffer between the clearing and the watercourse. Staff did take a look at the watercourse and did not see anything of concern. Staff is recommending that the homeowner engage a Soil Scientist to flag the wetlands and then come up with a restoration plan. Commissioner Duff asked if they could reach out to neighbors regarding controlling the invasives so they don't creep back into the cleared area. Mr. Alvarado said they can send out informational materials to educate the neighbors.

Chairman Charamut asked about the plans for the backyard. Mr. Meisterling said he doesn't have any plans other than keeping the invasives out and possibly planting some trees. Chairman Charamut asked if any live trees were cut down. Mr. Meisterling said he tried to save all viable trees by removing the vines but the trees died anyway. Chairman Charamut asked if the elevation was changed in any way. Mr. Meisterling said he did not change the elevation and Mr. Alvarado confirmed that fact. Chairman Charamut wondered if there was a vernal pool behind the house. Mr. Alvarado said that could be determined when they delineate the wetlands.

Vice Chairman Riedinger asked how new homeowners are notified that they have wetlands or upland review areas on their property. Mr. Alvarado said unless there is a conservation easement

on their property, there will be nothing on the deed. Vice Chairman Riedinger said he would like to find a way to educate homeowners who are adjacent to wetlands of the restrictions. Mr. Alvarado said a few years ago the Town did send out information to homeowners who lived near wetlands and watercourses but that may be something they should do again.

Commissioner Kelly asked if the 60' area that was in the upland review area would be the only area that is mitigated. Mr. Alvarado said he thinks they should get the wetlands delineation first so they know exactly where the wetlands area is.

No one from the public spoke at this time.

A MOTION was made by Vice Chairman Riedinger to close the show cause hearing for Jeffrey M. Meisterling & Jennifer Hernandez-Wetlands Violation at 270 Orchard Street; Assessor's ID No. 09-376. Motion was seconded by Commissioner Kelly. All were in favor, MOTION CARRIED UNANIMOUSLY.

A MOTION was made by Vice Chairman Riedinger to keep the cease and desist order in place for Jeffrey M. Meisterling & Jennifer Hernandez-Wetlands Violation at 270 Orchard Street until such a time that there is an approved restoration plan in place for the property and to require that Mr. Meisterling present that restoration plan to this Commission and Staff by the September 9th, Open Space meeting. The motion was Seconded by Commissioner Lindenberger.

A FRIENDLY AMENDMENT was made by Commissioner Kelly that the wetlands be flagged and the results of that flagging be submitted to the Open Space Commission. Friendly amendment accepted.

A FRIENDLY AMENDMENT was made by Vice Chairman Riedinger to modify the cease and desist order to allow the homeowner or his agents to perform work on the property only after approval by Staff. Friendly amendment was accepted.

All were in favor, MOTION APPROVED.

4. PUBLIC

No one from the public spoke at this time.

5. APPLICATION FOR A PERMIT

A. ADC Enterprises c/o Al Chiulli - Proposed Riparian Restoration Plan for the bank at 45 Evans Road; Assessor ID No. 14-394;

Chairman Charamut recused himself for this application and Commission Leone sat in for him. Vice Chairman Riedinger took over the meeting in the absence of the Chairman.

Mr. Anthony Zemba, Certified Restoration Ecologist with Fitzgerald and Halliday in Hartford addressed the Commission to discuss the proposed Restoration Plan that he submitted. They began by taking an inventory of impacted trees at the site. They then created a restoration plan that is divided into the following phases:

- **Phase I Pre-restoration Monitoring:** There has been significant re-sprouting and re-growth of some vegetation along the bank.
- **Phase II Preparatory Site Work:** After identifying bare areas they would remove any flotsam and jetsam to prepare for additional plantings.
- **Phase III Establishment of Supplemental Plantings:** They have submitted a planting plan and planting schedule, which includes native, riparian vegetation.
- **Phase IV Seeding:** This seeding is proposed for the top of the slope to stabilize the edge so there won't be erosion from the upper level of the bank.
- **Phase V Post Restoration Maintenance:** This is to ensure that the supplemental plantings are taking hold and clearing any invasives from the area.

Mr. Zemba said they recognize the need for constant monitoring of the site and they may need to amend the Plan as needed depending on the soils on the slope.

Commissioner Comments/Questions

Commissioner Duff asked if Phase I, Pre-restoration Monitoring is complete at this time. Mr. Zemba said he believes they have enough information to proceed. If anything, there will only be more species growing on the site. Commissioner Duff asked about the time frame for completion of work. Mr. Zemba said they do like to inspect the stock before purchasing any plantings but the work should only take a matter of weeks, not months.

Commissioner Schweitzer and other Commissioners took offense to the language used in the Restoration Plan which stated that the tree clearing along a portion of the Connecticut River bank was "alleged" by the Town and Wetland Commission to be in violation of their Regulations. Vice Chairman Riedinger said the property owner clear cut the bank without a permit and that is a violation. Mr. Zemba said he would submit the report with the words "alleged" stricken. Commissioner Schweitzer asked about a long-term maintenance plan for the site. Mr. Zemba said he would revise the report address long term maintenance. Commissioner Schweitzer said one area of the report called for 4" of top soil and seed and another called for 6". Mr. Zemba said he would change the report to read 4" in all areas. Commissioner Schweitzer asked if the graphic details need to be modified due to the steep slope. Mr. Zemba said you want your trees to be straight so you wouldn't plant them perpendicular so they grow off to an angle. Commissioner Schweitzer asked if a tree spade would be needed on the site. Mr. Zemba said they are proposing 3-4' saplings so they don't need to use big machinery.

Mr. Lindenberger asked how long it would take for the property to get back to the way it was before the cutting was done. Mr. Zemba said within a few years there will be younger, established trees. It will take years for the canopy trees to reach the heights they were at before being cut.

Commissioner Kelly asked if all these plantings could be done in the current growing season. Mr. Zemba said typically the growing season begins after the last frost and before the first frost in the fall. It is possible to plant in July if you take more care. Commissioner Kelly wondered if all the trees being proposed would fit in due to the density of the stumps that are on the slope. Mr. Zemba didn't feel there would be a problem fitting in the proposed number of plantings. Commissioner Kelly asked if the Town would also be monitoring the progress of the restoration plan. Mr. Alvarado said that Staff is required to monitor the work as part of the permitting process.

Commissioner Brown asked if the trees would need to be staked. Mr. Zemba said if the Commission thinks it is necessary, they could do that. Commissioner Brown said he would leave that decision up to Mr. Zemba.

Commissioner Stevens asked if the wetlands delineation included the Federal delineation. Mr. Zemba said if the person doing the delineation had seen a divergence it would have been flagged. Commissioner Stevens said he would like to see the report showing the soil types when it is finished. Commissioner Stevens asked about the difference in the number of stumps on the map compared to the stumps listed in the report. Mr. Zemba said they don't include trees that shouldn't be replaced or dead trees. Commissioner Stevens was concerned that several areas of the report stated that the supplemental plantings will be planted "as needed". He wants to make sure all 57 trees will be planted. Mr. Zemba said the goal is to reestablish vegetative cover on the site. If the site is colonized and sprouting with trees on its own, it may make sense to request a modification of the restoration plan. Commissioner Stevens is concerned that the plan is a little too vague as to exactly what is being planted. He believes it is important to get the trees planted as soon as possible before the invasives take over the area. He asked Mr. Zemba to look into the use of sycamore trees, as they may be a potentially invasive species. Commissioner Schweitzer said the plan states that if the mortality rate of the trees is greater than 25%, they will be replaced. He wondered if that number should be 15-20%. Mr. Zemba said he thinks the 25% is a fair number.

Vice Chairman Riedinger asked for timeline for getting the plantings in. Mr. Zemba said he believes the planting could be done within a few weeks, hopefully by the end of June. **Mr. Alfred Chiulli of 499 Pleasant Road** said he will start planting tomorrow if he gets permission. He said he has some trees already on site that they can relocate with the approval of Mr. Zemba. Commissioner Riedinger said if there are any alterations to the Restoration Plan, Mr. Chiulli will have to come back before this Commission for its approval. Mr. Chiulli said he thinks there should be some allowance for tree substitutions when necessary with the approval of Staff.

Mr. Alvarado noted that the Town of Glastonbury must be notified of any work done on this property because they are within 500' of the site. The Commission would not be able to act on this application until July, unless they hold a special meeting. The Commission agreed that Mr. Chiulli could get started by picking out the trees so they are ready to go when the application is approved. Mr. Chiulli said there are some invasive species that are going to have to be removed from the slope. He said he spoke with representatives of the DEEP, who were in asking for the

removal of debris from the toe of the slope. Mr. Alvarado said he would like to see a letter from the DEEP to that effect. The current cease and desist order was modified to allow for work that was approved by the DEEP and/or the Town.

Commissioner Duff asked where the topsoil being used is coming from. Vice Chairman Riedinger said that should be part of any approval. Mr. Chiulli said it is coming from his site and he would be willing to submit a sample.

Commissioner Lindenberger said he would like the monitoring of the site to continue through the 2016 growing season. Vice Chairman Riedinger said he would like to see a formal contract that includes a requirement for a Soil Scientist to monitor this restoration process.

Public

No public comment at this time.

A MOTION was made by Commissioner Schweitzer to table the Application for Permit, ADC Enterprises c/o Al Chiulli - Proposed Riparian Restoration Plan for the bank at 45 Evans Road; Assessor ID No. 14-394. Motion was seconded by Commissioner Kelly. Commissioner Stevens asked that Mr. Zemba check on the Sycamore and Honeysuckle trees to see if they are potential invasives. All were in favor, MOTION CARRIED UNANIMOUSLY. (Chairman Charamut recused himself for this application. Commissioner Leone voted in his place.)

B. Town of Rocky Hill c/o Guy Scaife, Town Manager-Proposed Drainage and slope restoration at Buckley Park, North of Michele Drive; Assessor's ID # 14-323;

Chairman Charamut retakes his seat.

Mr. Steve Sopelak, Rocky Hill Town Engineer addressed the Commission for the work being proposed at Buckley Park where there has been an ongoing erosion problem for many years, which has created a severe gully that needs to be repaired. There is an old culvert that runs under the railroad tracks that over the years has been covered up by silted materials and ponding of water has resulted. Over the years the slope has washed out creating a severe gully. Mr. Sopelak showed pictures of the gully in a PowerPoint presentation and he also submitted samples of the soils in the area. They are trying to save as many trees as possible, but there are some trees that will need to be cut down because they are already leaning or have exposed root systems. Staff is proposing a system of corrugated high density polyethylene pipe and a new manhole to try to dissipate the energy by lowering the velocity. They are also going to install a modified rip rap splash pad. Mr. Sopelak said he estimates that 250-300 yards of material need to be brought in for the repairs. When they are finished they will put in 4" of topsoil, seed and install an erosion control blanket.

Commissioner Comments/Questions

Commissioner Stevens asked where the water is coming from and how it is being treated before entering into the proposed system. Mr. Sopelak said the drainage area is coming from about 3 acres and it is flowing from the road and some residential properties. They will also be adding a catch basin with a 4' sump to pick up the runoff from the parking lot. Commissioner Stevens asked if anything would be installed to improve the storm water quality before it discharges. Mr. Sopelak said a swirl concentrator costs about \$30,000 but they can look at installing deeper sumps in the catch basins.

Mr. Alvarado said he would suggest going with deeper sumps or open structures instead of a swirl concentrator. If the Commission is still looking for something to catch additional pollutants he would ask that the splash pads are changed to a stilling basin and plunge pool. He noted that they are also trying to minimize the amount of disturbance to the area.

Vice Chairman Riedinger asked if any clearing would be necessary to get equipment into the area. Mr. Sopelak said he isn't sure yet, because they will be leasing or borrowing the equipment so he isn't sure what size equipment they will be using.

Mr. Alvarado said he would agree with Commissioner Steven's suggestion of using a sediment basin south of the silt fence to catch any sediment. That sediment basin can then be turned into a stilling basin or a plunge pool once the work is completed.

Vice Chairman Riedinger asked that they try to minimize the amount of clearing necessary for this project.

Commissioner Duff wondered if there were any additional measures that would be needed to protect the pipe from damage. Mr. Sopelak said no because these pipes are designed to support a large amount of weight.

Commissioner Schweitzer asked if they considered replacing the pipe running from the parking lot to the first manhole. Mr. Sopelak said there are 18 trees in that area that he is trying to avoid having to cut down. Commissioner Schweitzer asked if they could put a 4' sump on the new manhole at the end of the parking lot. Commissioner Schweitzer asked if they planned to stockpile material on site. Mr. Sopelak said they will be trucking material to the site from their stockpile in the Industrial Park.

Public

Mr. Bob Ludwig of 24 Washington Street addressed the Commission. He is the volunteer Trail Manager for Buckley Park and he is concerned because there is a trail right near the gully that will have to be moved during construction. He wondered if, when the equipment is brought in for this project, it could be used to dig out the area where the culvert goes under the railroad tracks because if that could be opened up, it would eliminate the ponding. He encouraged the Commission to approve the application and to get the work done as soon as possible because he feels it is a safety hazard to the public.

Mr. Ed Chiucarello of 40 Riverview Road asked if any work would be done to the pond and whether or not a new culvert would be installed. Mr. Sopelak said any work on the culvert would be part of a separate application. Right now they have no plans to find the culvert. Mr. Alvarado said if they do find the culvert the DOT would have to be notified because it is a jurisdictional issue.

Staff is recommending that this application be tabled per Connecticut State Statutes. The Town does want to begin work as soon as possible once the permit is issued. Mr. Chiucarello said he believes the deed for this property states that there is to be no cutting of trees. He hopes that while there is equipment on the site, they try to find and make repairs to the culvert even if it means contacting the DOT and Army Corp. of Engineers.

Town Manager Guy Scaife, 761 Old Main Street addressed the Commission on behalf of the Town. He said right now they are focusing on fixing a severe problem they are having with this gully. He said he is committed to getting this problem with the runoff fixed this year if possible. He said Staff has looked at the deed and they have not found any restrictions against cutting of trees. Mr. Scaife did say they have no plans to cut any trees, except for those that must be cut in order to repair the gully.

Mr. Sopelak agreed that there would be no unnecessary cutting other than what needs to be done to get access to the area for the equipment they will be using.

Commissioner Duff asked if the trees that are cut down could be used in any way, possibly to line the trails or have the trees chipped to make them part of the path. Mr. Alvarado said Staff would work with the Trail Mangers to come up with a suitable plan.

A MOTION was made by Vice Chairman Riedinger to table the Application for a Permit, Town of Rocky Hill c/o Guy Scaife, Town Manager-Proposed Drainage and slope restoration at Buckley Park, North of Michele Drive; Assessor's ID # 14-323. The motion was seconded by Commissioner Lindenberger. All were in favor, MOTION CARRIED UNANIMOUSLY.

6. ACTION TAKEN/MINUTES presented for approval for May 13, 2015

A MOTION was made by Vice Chairman Riedinger to approve the minutes and actions from the May 13, 2015 meeting as presented. Motion was seconded by Commissioner Kelly. All were in favor, MOTION CARRIED UNANIMOUSLY.

7. DISCUSSION

A. Cease & Desist Order – ADC Enterprises Regulated Area Violations at 45 Evans Road

A MOTION was made by Vice Chairman Riedinger to keep the Cease and Desist order in place, as is. Motion was seconded by Commissioner Schweitzer. All were in favor MOTION CARRIED UNANIMOUSLY.

B. Cease & Desist Order – 270 Orchard Street

No further discussion.

C. Status Report-Variou Projects

Town Center West: The residential component continues to be built. Staff has been monitoring the site and with all the rain we have had the erosion and sediment control measures are holding up.

Foundry Project: The Commission received a letter of map amendment for this site. The new FEMA maps of 2008 shows the 100-year flood line going into that site. Paperwork was filed to amend that map and it was approved. The only pending item is for the redesign of Glastonbury Avenue.

South Brook Road: The Developer is still waiting for MDC approvals.

O’Leary Farms: Work on Phase II will be commencing. This is an application for 35 homes.

There was a concern about tree cutting along the I91 Tech Center, which is on the corner of Cromwell Avenue and Brook Street. Staff inspected the area and sent letters of violation to the property owner. Mr. Alvarado said they met with the Property Managers. Eight evergreens were cut down because of interference with their irrigation system. Staff inspected the site and asked that the area be secured with silt fencing and that the owners demark and clean the debris from the wetlands. There are now plans in place to replace the plantings that were removed.

There were concerns from the Commission about property owners violating Open Space Regulations without permits. Mr. Alvarado said Staff aggressively pursues those violators and he said other Towns have similar problems.

Commissioner Lindenberger said he was asked to review the Phase II Environmental Report for 91 Corporate Place. He said one report was on the work done in 2013 by Fuss & O’Neil and it was determined that there was offsite groundwater contamination. Fuss & O’Neil felt that the low levels of voc’s would attenuate over time. They felt that since the contamination came from another location, the owners of 91 Corporate Place wouldn’t be responsible for the clean-up. They recommended that any future design should avoid building on the northwest portion of the site or incorporation of vapor barriers or a passive venting system in the building design.

In 2014 the Owners of 91 Corporate Place hired CDR Maguire to get a second opinion. After more testing, they came up with similar conclusions as Fuss & O’Neil. But they didn’t find any

contamination where the building was proposed and didn't find any reason not to proceed with construction.

Commissioner Duff asked about a Cease and Desist Order that was issued for 1 Carol Drive due to tree cutting. Staff was supposed to be working with the property owner on a restoration plan. Mr. Alvarado said actually it was only a Notice of Violation and Stop Work Order that was issued for 1 Carol Drive and not a Cease and Desist Order. The Owner did come up with a restoration plan for the area that is acceptable to Staff.

D. Open Space

Commissioner Kelly noted that the past weekend was Connecticut Trails Weekend and events were held throughout Connecticut and in Rocky Hill, including a hike of about 51 people at Quarry Park. The hiking parks are a valuable asset of Rocky Hill and that is why they need to repair the damage at Buckley Park.

Chairman Charamut said he would like to schedule a time for a public meeting so that the Commission to get on the River to take a look at the Rocky Hill shoreline. Mr. Alvarado said he would put arrange this meeting on a Saturday.

E. Legislation

None.

F. Conferences

None.

8. CORRESPONDENCE, COMMUNICATIONS

None.

9. OTHER BUSINESS

No discussion.

10. ADJOURN

A MOTION was made by Vice Chairman Riedinger to adjourn the meeting AT 9:00 p.m. The motion was seconded by Commissioner Lindenberger. All were in favor, MOTION CARRIED UNANIMOUSLY.

Respectfully submitted,

Eileen A. Knapp
Recording Secretary